

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Watkins et al. Art Unit: 1643  
Application No.: 10/576,149 Examiner: S. J. Huff  
Filing Date: January 23, 2007 Confirmation No.: 5576  
Title: USE OF HEDGEHOG PATHWAY INHIBITORS IN SMALL-CELL LUNG  
CANCER

**MAIL STOP AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.132**

Dear Sir:

I, Dr. Philip A. Beachy, declare and state that:

1. I am a co-inventor of the subject matter described and claimed in the U.S. Patent Application Serial No. 10/576,149, filed on January 23, 2007 entitled, "Use of Hedgehog Pathway Inhibitors in Small-Cell Lung Cancer", which is a 35 USC § 371 National Stage application of PCT Application No. PCT/US2004/34534 filed October 20, 2004; which claims the benefit under 35 USC § 119(e) to U.S. Application Serial No. 60/512,651 filed October 20, 2003.

2. I am familiar with the prosecution history of U.S. Patent Application Serial No. 10/576,149.

3. I understand that the Examiner has rejected claims 1-7 and 13-19 under 35 U.S.C. 102 as being anticipated by Watkins *et al.* (*Nature* 422:313-317, 2003; hereinafter "Watkins").

4. The authors of Watkins include D. Neil Watkins, David M. Berman, Scott G. Burkholder, Baolin Wang, Philip A. Beachy, and Stephen B. Baylin. With the exception of myself, D. Neil Watkins, David M. Berman, and Stephen B. Baylin, the other co-authors of the reference did not contribute to the mental conception of the present invention, but rather performed the various experiments which were conceived and designed by the true inventors.

5. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

February 24, 2009  
Date

Philip Beachy  
Dr. Philip A. Beachy